

PROB 12C
(7/93)

United States District Court
for
District of New Jersey
Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Carlos Benitez

Cr.: 97-CR-0235-1

Name of Sentencing Judicial Officer: Honorable Nicholas H. Politan

Date of Original Sentence: 12/09/97

Original Offense: Possession of Firearms by a Convicted Felon, a class C felony

Original Sentence: 90 months imprisonment

Type of Supervision: 3 years Supervised Release

Date Supervision Commenced: 06/27/06

Assistant U.S. Attorney: Grady O'Malley

Defense Attorney: James Galdieri, Esq.

PETITIONING THE COURT

- ☐ To issue a warrant
☒ To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance

- 1 The offender has violated the supervision condition which states '**You shall not commit another federal, state, or local crime.**'

On June 6, 2006, the offender was arrested by New York City Police and charged with count one, third degree criminal sale of a controlled substance, in violation of Penal Code 220.39(1), a Class B Felony and count two, third degree criminal possession of a controlled substance, in violation of Penal Code 220.16(1), a Class B Felony. On October 27, 2006, the offender pled guilty to count two, downgraded to criminal facilitation, a Class A misdemeanor. Count one was dismissed at sentencing. The offender was sentenced to time served.

- 2 The offender has violated the supervision condition which states '**You shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.**'

On October 4, 2006, the offender tested positive for marijuana and phencyclidine (PCP). He also tested positive for marijuana on October 11 and October 31, 2006.

- 3 The offender has violated the supervision condition which states '**You shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training or other acceptable reasons.**'

Since April 2006, the offender has failed to secure full-time, legitimate employment.

- 4 The offender has violated the supervision condition which states '**You shall notify the probation officer within 72 hours of any change of residence or employment.**'

On or about October 6, 2006, the offender failed to notify the US Probation Office of his change in residence.

I declare under penalty of perjury that the foregoing is true and correct.

By: Elizabeth Villa, *Elizabeth Villa* *ml*
U.S. Probation Officer
Date: 11/27/06

THE COURT ORDERS:

- ☒ The Issuance of a Summons. Date of Hearing: January 22, 2007 11:00 AM
☐ The Issuance of a Warrant
☐ No Action
☐ Other

[Signature]

Signature of Judicial Officer

12/7/06

Date